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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 KURTUS EDWARD BROWN, )

8 Plaintiff, )

9 v. )

10 KING COUNTY, )

11 Defendant. )  
12 \_\_\_\_\_)

CASE NO. C08-0260-JCC

ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

13 The Court, having reviewed Plaintiff's Civil Rights Complaint, Defendant's Motion for  
14 Summary Judgment, the Report and Recommendation of the Honorable James P. Donohue, United  
15 States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

16 (1) The Court adopts the Report and Recommendation.

17 (2) Defendant's Motion for Summary Judgment (Dkt. No.18) is GRANTED. Plaintiff's  
18 Complaint (Dkt. No. 6) and this action are DISMISSED with prejudice.<sup>1</sup>

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20 <sup>1</sup> The Court's Order to Show Cause and Report and Recommendation were both sent to  
21 Plaintiff's last known address. The Post Office returned both mailings as "undeliverable" on September  
22 24, 2008, and December 8, 2008, respectively. (Dkt. Nos. 22 & 24). Plaintiff, who is proceeding *pro*  
23 *se*, has therefore failed to keep the Court advised as to his current address. Because 60 days has lapsed  
24 since Plaintiff's address first became undeliverable, the Court may properly adopt the Report and  
25 Recommendation and dismiss this action. *See* Local Rules W.D. Wash. CR 41 (b)(2) ("A party  
proceeding *pro se* shall keep the court and opposing parties advised as to his current address. If mail  
directed to a *pro se* plaintiff by the clerk is returned by the Post Office, and if such plaintiff fails to  
notify the court and opposing parties within 60 days thereafter of his current address, the court may  
dismiss the action for failure to prosecute.").

26 ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

1 (3) The Clerk is directed to send copies of this Order to plaintiff at his last known address,  
2 to counsel for defendant, and to the Honorable James P. Donohue.

3 DATED this 8th day of January, 2009.

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7 John C. Coughenour

8 UNITED STATES DISTRICT JUDGE  
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